UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EDWARD R. BLAKE and
ROXANNE R. BLAKE,

Plaintiffs,

v.

10-CV-610S(F)

UNITED STATES OF AMERICA,
NYSARC, INC. CHAUTAUQUA COUNTY
d/b/a THE RESOURCE CENTER, and
DR. NABIL JAMAL,

Defendants.

STIPULATION

WHEREAS, this is a medical malpractice action;

WHEREAS, the trial of this action commenced on September 6, 2016 and is continuing;

WHEREAS, during the course of the trial, Joint Exhibit N, pages 5910-5914, have been admitted into evidence;

WHEREAS, Joint Exhibit N, pages 5910-5914, are records of two VA compensation and pension examinations of plaintiff Edward Blake;

WHEREAS, the United States has proposed to offer the testimony of VA physician Geoffrey Hobika, M.D. to the effect that (i) as a matter of VA policy, custom, and practice, VA treating physicians, as well as nurses and medical staff, are not permitted access to VA compensation and pension records during the course of patient treatment; and (ii) consistent with that VA policy, custom, and practice, the treating physicians in this case, Drs. Nabil Jamal, Rabie Stephan, Edward O'Brien, and Geoffrey Hobika, as well as nurses and medical staff of the VA and the Resource Center, did not have access to plaintiff Edward Blake's VA compensation and pension records, including Joint Exhibit N, pages 5910-5914, during the course of their treatment of Mr. Blake;

WHEREAS, in the interests of efficiency and judicial economy, the parties are entering into this Stipulation to avoid unnecessary testimony on undisputed facts;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

1. As a matter of VA policy, custom, and practice, VA treating physicians, as well as nurses and medical staff, are not permitted access to compensation and pension records during the course of patient treatment; and

2. Consistent with that VA policy, custom, and practice, the treating physicians in this case, Drs. Nabil Jamal, Rabie Stephan, Edward O'Brien, and Geoffrey Hobika, as well as nurses and medical staff of the VA and the Resource Center, did not have access to plaintiff Edward Blake's compensation and pension records, including Joint Exhibit N, pages 5910-5914, during the course of their treatment of Mr. Blake.

DATED: Buffalo, New York, November 2, 2016.

Respectfully submitted,

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BY: ______________________

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SO ORDERED

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WILLIAM M. SKRETNY
UNITED STATES DISTRICT JUDGE